

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JUNGOAK CHA,

No. C-14-04672-EMC

Plaintiff,

v.

SUPPLEMENTAL BRIEFING ORDER

THE KAISER PERMANENTE,

Defendants.


On December 1, 2014, Defendant Permanente Medical Group¹ filed a motion to dismiss Cha's *pro se* complaint alleging various causes of action, including discrimination causes of action purportedly arising under federal law. *See* Docket No. 7. Defendant claims Ms. Cha's federal discrimination claims are time-barred because they were not filed within ninety (90) days of her receipt a Right to Sue notice from the California Department of Fair Employment and Housing (DFEH). *Id.* at 6-7. Defendant does not appear, however, to cite any case law or other relevant authority that establishes that a right to sue letter issued by the DFEH triggers the *federal* 90 day limitations period that may otherwise be triggered when a claimant receives a Right to Sue notice from the federal Equal Employment Opportunity Commission (EEOC). *See Payan v. Aramark Management Services Ltd. P' Ship*, 495 F.3d 1119, 1121 (9th Cir. 2007) (holding that a plaintiff has ninety days to file a Title VII action after receipt of an EEOC right-to-sue notice letter).

¹ Plaintiff Cha, proceeding *pro se*, erroneously captioned her complaint against "The Kaiser Permanente," but according to Defendant, the corporate entity that employed Ms. Cha is "The Permanente Medical Group, Inc." *See* Docket No. 7.

1 Defendant is hereby **ORDERED** to submit a supplemental brief, not to exceed three pages in
2 length, that contains its best authorities in support of its position that the ninety day federal
3 limitations period begins to run from the date of receipt of a DFEH right-to-sue notice. Defendant's
4 supplemental brief shall be filed no later than **noon PST on Monday, January 12, 2015**. Plaintiff
5 may (but is not obligated to) file her own brief, not to exceed three pages, containing any authorities
6 she believes support her position that the DFEH letter did *not* trigger the federal limitations period.
7 Any such brief must be filed no later than **Wednesday, January 15, 2015**.

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9 IT IS SO ORDERED.

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11 Dated: January 8, 2015

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15 EDWARD M. CHEN
16 United States District Judge
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